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23623 7590 06/06/2008 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER ZURITA, JAMES H	
			ART UNIT 3625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/624,170	Applicant(s) BRIDGELALL, RAJ	
	Examiner JAMES ZURITA	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment of 14 March 2008 has been entered. Claims 1 and 26 are amended.

Applicant's remarks on pages 11-12 appear to be misnumbered as IV. These appear to be word processing errors.

Claims 1-40 are pending and will be examined.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-40 are directed to a system, while claim 1 is directed to medium and steps (an apparatus and its components).

A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. **>IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005); *Ex parte Lye*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) **>(claim directed to an automatic transmission workstand and the method * of using it * held ** ambiguous and properly rejected under 35 U.S.C. 112, second paragraph*>).*

Such claims **>may also be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Id. at 1551.*

The claims contain indirect recitations and it is unclear as to what the system is intended to do.

Claim Rejections - 35 USC § 101

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-40 are rejected under 35 USC 101 since the claims are directed to neither a process nor a machine but overlap two statutory classes of inventions, product and apparatus. The Examiner suggests that applicant rewrite claim 1 to clarify the **scope as follows:**

(1) A program storage medium readable by a computer having a memory and a processor, the medium tangibly embodying one or more programs of instructions executable by the computer [to an m-commerce system] said program of instructions comprising:

Claims 2-40 would then need to be amended to refer to the medium of the parent claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Prior art is interpreted to read on applicant's claims where prior art discloses structure and product reasonably capable of performing applicant's claimed functions.

Claims 1-18, 22-35 and 40, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach (US PG-PUB 20040204063) in view of Gellman (US PG-PUB 2002/0035536).

As per claim 1, VanErlach discloses program storage medium readable by a computer having a memory and a processor, in an m-commerce system, the medium tangibly embodying one or more programs of instructions executable by the computer said program of instructions comprising:

- a data input component that receives item data representative Of an article of commerce (see, for example, at least paragraph 0007, Fig. 3, wireless device 1);
- a coordination component that presents the article of commerce to a vendor for bid (see, for example, at least paragraph 0032);
- a location-awareness component that tracks the location of the data input component (see, for example, at least paragraph 0016); and
- a payment component that facilitates payment of the article of commerce (see, for example, at least paragraph 0017) and provides secure communication.

As per claim 1 VanErlach **does not** use the term shopping list. This feature is disclosed by Gellman. See, for example, at least paragraph 0008. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Gellman to disclose, presenting the article of commerce from a shopping list to a vendor for bid because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

As per claim 2, VanErlach discloses that the data input component is a wireless portable terminal (see, for example, at least paragraph 0002).

As per claim 3, VanErlach and Gellman disclose that the data input component uploads a shopping list (Gellman, paragraph 0008) to the coordination component, which coordination component seeks the bid for transacting the article of commerce (see, for example, paragraph 0013, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Gellman to disclose shopping lists because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

As per claim 4, VanErlach discloses that the data input component downloads item information from at least one of an appliance and a computer (see, for example, at least paragraph 0028).

As per claim 5, VanErlach discloses that the data input component is in continuous communication with the coordination component (see, for example, at least paragraph 0016).

As per claim 6, VanErlach discloses that the data input component communicates information using a virtual private network (see paragraph 0012; see also Fig. 4, for connection to telcomm service provider).

As per claim 7, VanErlach does not specifically disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to

transact the list. This feature is disclosed by Gellman. See, for example, at least paragraph 0036. For lists, see Gellman, paragraph 0008. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Gellman to disclose shopping lists and to specify a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

As per claim 8, VanErlach discloses that the data input component locates the article of commerce via RF backscattering (see, for example, at least paragraph 0012).

As per claim 9, VanErlach discloses that the data input component facilitates receiving the item data by at least one of manual input, a dataform scanning system, an image capture system, an audio input system, a magnetic reading assembly, and an RF transponder reading assembly see, for example, at least paragraph 0007, Fig. 3, wireless device 1).

As per claim 10, VanErlach discloses that the location awareness component includes at least one of a GPS system, a general packet radio services network, and a RTLS architecture (see, for example, at least paragraph 0016)

As per claim 11, VanElrach discloses the coordination component facilitates communication of awareness data to both the data input component and a vendor (see, for example, at least paragraph 0012 and references to retail stores).

As per claim 12, VanErlach discloses that the awareness data communicated to the data input component provides at least one of notification that the vendor is located nearby, and a name and/or an address of the vendor (see, for example, at least paragraph 0030).

As per claim 13, VanErlach discloses that the awareness data communicated to the vendor provides at least one of identification of the user of the data input component and notification that the data input component is located nearby (see, for example, at least paragraph 0015, concerning identifying information about the device or shopper).

As per claim 14, VanErlach discloses that the awareness data facilitates pushing marketing information to the user of the data input component, which marketing information is targeted to the user (see, for example, at least paragraph 0032).

As per claim 15, VanErlach discloses that the coordination component is disposed at least one of remotely on a global communication network and a local backoffice network (see, for example, at least paragraph 0012 and references to the Internet, a global communication network).

As per claim 16, VanErlach discloses that the coordination component coordinates inter-component functions between the data input component (wireless device), the location awareness component (GPS system, for example), and the payment component (see, for example, at least paragraph 0017).

As per claim 17, VanErlach discloses that the secure payment component provides secure communication using at least one of a biometric, radio frequency

identification (RFID) data, and an article-of-commerce dataform (see, for example, at least paragraph 0029).

As per claim 18, VanErlach discloses that the secure payment system distinguishes selection of a first article of Commerce from a second article of commerce by processing both RFID data and dataform data of the first article of commerce (see, for example, at least paragraph 0012, since each article of commerce has a RFID or barcode).

As per claim 22, VanErlach discloses that the data input component outputs at least one of a map and location information that indicates the location of the article of commerce in a store (see, for example, at least paragraph 0013).

As per claim 23, VanErlach discloses that the data input component receives via the coordination component, item information associated with the article of commerce (see, for example, at least paragraph 0013).

As per claim 24, VanErlach discloses that the coordination component retrieves item information associated with the article of commerce from a vendor data resource, and downloads the information to the data input component for presentation to the user (see, for example, at least paragraph 10015).

As per claim 25, VanErlach discloses that the coordinating component manages a transaction between a user of the data input component and a vendor selected to provide the article of commerce (see, for example, at least paragraph 0012, see also references to purchasing via download or physical shipment, as in paragraph 0028).

As per claim 26, VanErlach discloses that the security component facilitates at least one of deactivation and activation of an RFID tag associated with the article of commerce when the data input component reads RFID tag data (see, for example, at least paragraph 0012).

As per claim 27, VanErlach discloses that the secure payment component authenticates the data input component to a store network (see, for example, at least paragraph 0017).

As per claim 28, VanErlach discloses that the location awareness component tracks the data input component in a wide area network and a local area network (see, for example, at least paragraph 0012, for internet, a wide area network; see also at least paragraph 0016 for local wireless network).

As per claim 29, VanErlach discloses that the secure payment component utilizes electronic article surveillance (EAS) technology with bi-stable and resettable EAS data in an RFID tag (paragraph 0012).

As per claim 30, VanErlach discloses that the location awareness component automatically updates a vehicle location tracking system to present a location of the vendor offering the bid (see, for example, at least paragraph 0029). See also applicant admissions, page 4 of the Appeal Brief, "...a user can be notified when other ... users are within a given location.

As per claim 31, VanErlach discloses that the location awareness component automatically updates the data input component with store information of a store as the

data input component passes within range of a compatible store communication system (see, for example, at least paragraph 0029).

As per claim 32, VanErlach discloses that the data input component automatically notifies a user that the article of commerce is present in the store (see, for example, at least paragraph 0012).

As per claim 33, VanErlach discloses that the data input component automatically notifies a user of a location of the article of commerce in the store (see, for example, at least paragraph 0013).

As per claim 34, VanErlach discloses that the location awareness component facilitating synchronization of data of the data input component with a second data input component over a wireless personal data network (see references to communications methods with other wireless devices, as in the abstract, for example).

As per claim 35, VanErlach discloses that the coordination component downloads multimedia content related to the article of commerce to the data input component in response to the item data being received (see, for example, at least paragraph 0012).

As per claim 40, VanErlach discloses that the data input component is one of a cellular telephone and a connected person data assistant (see, for example, references to cell phone, as in the abstract).

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman and further in view of Freund (US PG-PUB 20030187787).

As per claims 19-21, VanErlach does not specifically disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19). VanErlach does not specifically disclose that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20). VanErlach does not specifically disclose that the engine outputs at least one of a product lookup code and a set/reset password (claim 21).

As per claim 19, Freund discloses that the payment component facilitates secure communication of item data via a secure key cryptographic engine. See, for example, at least paragraph 0012.

As per claim 20, Freund discloses that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command. See, for example, at least paragraph 0014.

As per claim 21, Freund discloses that the engine outputs at least one of a product lookup code and a set/reset password. See, for example, paragraph 0051.

It would have been obvious for one of ordinary skill at the time the invention was made to combine VanErlach with Freund to disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19), that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20) and that the engine

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outputs at least one of a product lookup code and a set/reset password (claim 21) because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman and further in view of Edgett et al. (US PG-PUB 20040034771).

VanErlach does not specifically disclose that the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that article of commerce (claim 36). VanErlach does not specifically disclose that the tag is an RFID tag that compares the unique password with a password of the RFID tag (claim 37). These features are disclosed by Edgett, as in paragraph 0049, for example.

It would have been obvious to one of ordinary skill the art at the time the invention was made to combine VanErlach and Edgett to disclose that the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that article of commerce (claim 36), and to disclose that the tag is an RFID tag that compares the unique password with a password of the RFID tag (claim 37) because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman and further in view of Grunes et al., US PG-PUB 2002/0113707.

As per claim 38, VanErlach does not specifically disclose that the tag is at least one of received programmed with the password and programmed with the password at a time of source marking. This is disclosed by Grunes, paragraph 0016. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Grunes to disclose that the tag is at least one of received programmed with the password and programmed with the password at a time of source marking because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman and further in view of Hoffberg (US 6791472).

As per claim 39, VanErlach does not specifically disclose that the secure payment system includes a tag communication process that is prioritized according to a bandwidth provisioning architecture. This is disclosed by Hoffberg, as in Col. 25, line 60-col 27, line 35.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Hoffberg to disclose that the secure payment system includes a tag communication process that is prioritized according to a bandwidth provisioning architecture because the incorporation of such features is no

more than the predictable use of prior art elements according to their established function.

Response to Arguments

Applicant's arguments filed 14 March 2008 have been fully considered.

Objection to claim 26 is withdrawn in view of amendment.

Rejection of claim 26 (not claim 12, as stated by applicant) under 35 USC 112, second paragraph is withdrawn in view of amendment.

See new rejections under 35 USC 101 and 35 USC 112.

Applicant responds separately only to the rejection of claim 1 under 35 USC 102(e) over VanErlach. Applicant provides no separate arguments concerning the rejections under 35 USC 103(a) of claims 7, 19-21, 38 and 39. Applicant does not address rejections of claims 36-37.

In response to applicant's numerous assertions concerning what is taught by VanErlach, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Input

As to how data is input, applicant argues, page 10,

...In another words, user have to enter the product code of the product they wish to query one at a time...In clear contrast, the method as disclosed by VanEriach does not

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keep track of a list of desired product for bid, but merely have users enter product information at each query.

In response, applicant's reading of VanErlach appears to match applicant's description of applicant's input component (Fig. 2, item 200):

In furtherance thereof; the system 100 includes a data input component 102 (also denoted hereinafter as a portable terminal device) for receiving data input 104, the capability allowing a customer to facilitate data entry of an article of commerce [Ex. Note: **singular**] (i.e., products and/or services) for the purpose of purchase and/or informational interests. The method of data entry includes manual entry, scanning of dataforms and/or image capture. Page 6, lines 12-16, emphasis added.

Track[-ing]

Limitations cited by applicant, such as "...keep track of a list of desired product [sic] for bid..." are not in the claims.

Coordination component

Applicant appears to claim only

[b] transmitting the article-of-commerce information to one or more vendors to receive bids for the existing shopping list facilitating [...other functions...] specifications, page 6, lines 17-23.

The data is transmitted to Coordination component 106:

...Once entered into the system 100, the data is transmitted to a central coordination component 106 that coordinates a number of system capabilities. More specifically, and as is described in detail hereinbelow, this includes...

[a] receiving the input data 104 (e.g., article-of-commerce information) from the data input component 102...

[b] transmitting the article-of-commerce [Ex. Note: singular] information [Ex. Note: not "shopping list"] to one or more vendors to receive bids for the existing shopping list facilitating [...other functions...] specifications, page 6, lines 17-23, notes added.

The actions match Fig. 2, item 202 "transmit shopping list [from input device]

At 202, once the shopping list is compiled in the portable device, the list is transmitted to a remote personal agent (RPA) that synchronizes consumer shopping list in real-time with a global network of commercial partners (or vendor subscribers). The consumer

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maintains the personal shopping list on the portable device, e.g., a connected personal digital assistant (cPDA) that has access to several types of compatible networks. Specifications, Page 8, lines 9-12.

Contrary to applicant's assertions, the coordination component does not "...present[...] the article of commerce [...] to a vendor for bid..." [emphasis in original]. Rather, the shopping list is "...transmitted to a remote personal agent, which then transmits the list...to several commercial partners..." specifications, page 3, lines 1-9, emphasis added.

Secure communication (generic), claims 1, 17 and 19

As to the language introduced by amendment, applicant argues that VanErlach does not teach or suggest

a coordination component that presents the article of commerce from a shopping list to a vendor for bid; and a payment component that facilitates payment of the article of commerce and provides secure communication.

However VanEriach is silent with regards to a coordination component that presents the article of commerce from a shopping list to a vendor for bid; and a payment component that facilitates payment of the article of commerce and provides secure communication...

However VanEriach fails to teach or suggest presenting the article of commerce from a shopping list to a vendor for bid andproviding secure communication.

Applicant argues,

VanEriach is completely silent in regards to providing any sort of secured communication to users.

In response, the Examiner notes that the sole mention of "...secure communication..." appears on page 2, lines 10-13 in the context of a "...secure communication environment..." as benefits of applicant's claimed invention.

...purchasing architecture that significantly enhances the shopping experience by providing a wireless regime over which to significantly reduce the time and cost associated with shopping and a **secure communication environment** over which to facilitate the purchase. Page 2, lines 10-13, emphasis added.

Applicant does not provide explicit definition for secure communication or secure communication environment.

...Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fe.d. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

As applicant has provided no explicit definition for "...secure communication..." the Examiner relies on the term's ordinary meaning and broadest reasonable interpretation. *E-Pass Technologies, Inc. v. 3Com Corporation*, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003). Van Erlach describes secure communication, as in paragraph 0026, including subscription and registration. See also paragraph 0015, which describes identification according to user profiles. See also paragraph 0027 concerning authorized parties and access.

[Secure] payment component (Fig. 1, item 110), claims 1, 17 and 19

Applicant argues that VanErlach does not disclose a payment component that

... facilitates payment of the article of commerce and provides secure communication. (claim 1)
... provides secure communication using at least one of... (claim 17)
... facilitates secure communication of item data via a secure key cryptographic engine.

The Examiner interprets "...payment component..." in claims 1, 17 and 19 as referring to "...secured payments component..." (Fig. 1, item 110) and interprets prior art as disclosing payment component where prior art discloses the claimed functions.

VanErlach discloses facilitating secure communications [generic, see discussion above]. In the secure communication environment, VanErlach discloses facilitating payment for article(s) of commerce, as in claim 1. For example, para. 0007 ("... dating services and ...stock transactions..." page 32, line 4 of specifications). VanErlach discloses secure communication using at least one of a biometric, radio frequency identification (RFID) data, and an article-of-commerce dataform, as in paragraph 0029. VanErlach does not specifically disclose secure communication [generic] via a secure key cryptographic engine. This is disclosed by Freund, paragraph 0012.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Zurita/
Primary Examiner
June 2 2008
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